

Remarks

Claims 1, 23-26, 39 and 46 have been amended and new claims 48-60 have been added. Review and reconsideration in view of the amendments and the remarks below are respectfully requested.

Claims 1, 8, 10, 23, 24, 40, 41 and 46 are rejected as being anticipated by U.S. Pat. No. 2,507,463 to Smith. Accordingly, claim 1 has been amended to specify that the adjusting strip is located on an outer surface of the outer shell such that the adjusting strip can be easily accessed when the outer shell is worn. For example Figs. 1 and 3 of this application disclose the adjusting strips located on an outer surface of the outer shell. At page 7, lines 15-16 of the application it is noted that the height adjusting system of the present invention enables the height of the garment to be quickly and easily adjusted. At page 7, lines 22-23 it is noted that the height adjusting system can be easily operated, even when wearing protective gloves or the like.

In contrast, in the Smith reference the height adjusting system is located on an inner surface of the garment (as noted at, for example, column 1, lines 43-47) presumably to keep the straps, snaps and the like out of view to improve the appearance of the garment. The Smith reference emphasizes throughout the text that the garment of that reference provides a pleasing appearance (see, for example, column 1, lines 16-18; column 1, lines 33-36) and many aspects of that invention are emphasized as providing a aesthetically pleasing features during adjustment (see, for example, column 2, lines 10-16; column 3 lines 2-13; column 3 lines 28-32). Thus it is submitted that claim 1, as amended, distinguishes over the Smith reference.

Independent claims 24 and 46 have been amended in a manner similar to claim 1 and are therefore also submitted to distinguish over the Smith reference.

Dependent claim 50 depends from claim 1 and further specifically defines the outer surface of the outer shell.

Dependent claims 49, 52 and 59 depend from claims 1, 24 and 46, respectively, and specify that the outer shell includes a pair of pant legs, each pant leg being shaped and configured to receive a leg of a wearer therethrough. The use of legs provides significant

protective features as compared to a skirt. Thus these claims further distinguish over the Smith reference which is directed to a maternity blouse/skirt combination.

New claim 60 is similar to claim 46 but specifies that the garment includes two sets of attachment components. One set is located on a front side of the garment and the other set is located on a rear side of the garment. As noted at page 5, line 31 – page 6, line 2 of this application, the adjusting strips 52 may be spaced around the periphery of the waist of the garment. This feature provides an even height adjustment around the perimeter of the garment.

In contrast, in the Smith reference the height adjusting system is only disclosed to be used on the front of the garment (see column 2, line 11 and column 1, line 20). Since the garment of the Smith reference is disclosed to be used as a maternity garment, it is logical that the adjusting feature be present only on the front of the garment to accommodate the growing belly of a wearer. Thus it is submitted that new claim 60 is patentable.

Claim 23 depends from claim 1 and has been amended to include similar limitations to those of claim 59 discussed above.

Claims 26 and 39 are rejected as being anticipated by U.S. Pat. No. 5,884,332 to Snedeker. Accordingly, claim 26 has been amended to specify that the outer shell is a one-piece outer shell shaped to fit about and substantially cover the arms, chest, torso and legs of a wearer. In contrast, the suspenders, trousers, and jacket of the Snedeker reference are separate components that are releasably joined together, and thus are not "one-piece." Thus it is submitted that claim 26 now distinguishes over the Snedeker reference. Claim 39 has been amended in a similar manner.

New claims 55 and 57 depend from claims 26 and 39, respectively, and specify that the one-piece outer shell is a single unitary piece of material and is not made of two or more pieces of material releasably joined together, to provide additional meaning and/or clarity to the term "one-piece."

New claims 54 and 56 depend from claims 26 and 39, respectively, and specify that the height adjusting system is located on an outer surface of the outer shell such that the height adjusting system can be easily accessed when the outer shell is worn. In contrast, the suspenders

of the Snedeker reference, and the adjustment features thereof, are not located on an outer surface of an outer shell. Thus it submitted that claims 54 and 56 further distinguish over the cited references.

Claims 1-15, 25, 37, 38 and 42-45 are rejected as defining obvious subject matter of Snedeker in view of U.S. Pat. No. 4,888,830 to Putnam. However, as noted above claim 1 has been amended to specify that the adjusting strip is located on an outer surface of the outer shell such that the adjusting strip can be easily accessed when the outer shell is worn. The suspenders 50 of the Snedeker reference are cited to correspond to the claimed adjusting strips. However, the suspenders of the Snedeker reference, when modified by the Putnam reference, are not located on an outer surface of the outer shell.

In addition claim 1 has been amended to specify that the outer shell is shaped to fit about and substantially cover the chest, torso and legs of a wearer. In contrast, if the suspenders and trousers alone, without the coat, of the Snedeker reference were attempted to be construed as the claimed garment, such a garment would not substantially cover the chest of a wearer.

New claim 48 depends from claim 1 and specifies that the outer shell is a one-piece garment and is configured to fit around and substantially cover the arms of a wearer. In contrast, the suspenders of the Snedeker reference are separable from the trouser, and are not part of a one-piece garment. In addition, the trousers/suspenders of the Snedeker reference do not fit around or substantially cover the arms of wearer. Although the jacket of that reference may cover the arms of the wearer, the suspenders are not located on an outer surface of the jacket, and the jacket and trousers do not form a one-piece garment. Thus it is submitted that new claim 48 further distinguishes over the cited art.

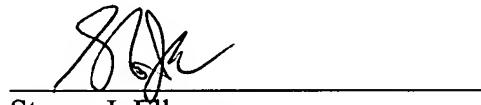
Claim 25 has been amended in a manner similar to claim 1. It is submitted that the suspender adjustment feature of the Snedeker reference is not located on an outer surface of an outer shell, wherein the outer shell is an abrasion, flame and heat resistant material that resists igniting, burning, melting, dripping or separation when exposed to a temperature of at least about 500 °F for at least five minutes. New claim 53 depends from claim 25 and includes similar limitations to claim 48.

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Amendment

Accordingly, it is submitted that the application is now in a condition for allowance, and a formal notice thereof is respectfully solicited. It is noted that should claim 26 be found to be allowable, withdrawn claims 27-30 should no longer be withdrawn.

The Commissioner is hereby authorized to charge any additional fees required, including the fee for an extension of time, or to credit any overpayment to Deposit Account 20-0809. The applicant(s) hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension.

Respectfully submitted,



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